

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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October 21, 1999

Department of Energy Public Hearing

Georgia International Convention Center, Atlanta, Georgia

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OCT 21 1999

Re: DOE/EIS-0250D Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nevada

General comments

The Blue Ridge Environmental Defense League was founded in 1984. Our work in North Carolina, Tennessee, and Virginia takes us to many rural communities. Emergency management personnel in these areas are dedicated volunteers, but they are unprepared for nuclear waste shipments.

County emergency management personnel are entrusted with early response to hazards. When asked about their readiness to respond to a nuclear transport accident, they answer professionally saying, "We'll just go out there and keep people away until state or federal officials arrive." This may be the best that can be done while a fire burns or radiation leaks from a damaged cask. In an interview, one western NC emergency coordinator told me, "There is no response team anywhere in this part of the state and, for the foreseeable future, there is no money in local budgets to equip us with any first response to radioactive spills."

The remote river valleys and steep grades of Appalachia are legendary. Accidents occur anytime, and North Carolina has many miles of isolated railways and highways. At Saluda the steepest standard gauge mainline railroad in the United States drops 253 feet per mile, a 4.8% grade. The CSX and Norfolk Southern railroads trace the French Broad River Valley and the Nolichucky Gorge west through the Appalachian Mountains along remote stretches of rivers famous among whitewater rafters for their steep drops and their distance from civilization. For example, the Norfolk Southern RR crosses the French Broad River at Deep Water Bridge where the mountains rise 2,200 feet above the river. These are transport routes through western North Carolina which will be used for high level nuclear waste transport.

Volunteer fire departments in rural counties are very good at putting out house fires and brush fires. I served in the Laurel VFD in Madison County, NC. We took special training to handle propane tank emergencies utilizing locally-built water pump trucks. More sophisticated training or equipment was prohibitively expensive and beyond our means. Traffic control was always a consideration at an emergency scene. Any fire or accident would draw a crowd. Onlookers arrived as soon as the fire department--sometimes sooner. Oftentimes there were traffic jams reducing traffic flow to a one-lane crawl, day or night, fair weather or foul. This could slow or deny access to federal and state officials attempting to reach nuclear accident sites

The concerns of local officials reflect their on-the-scene responsibility while state officials, faced with limited budgets and staff, make plans based on current bureaucratic realities. In North Carolina's Division of Emergency Management, the lead planner has four staff and a whole state

They wouldn't dare do it"

to cover. It is not possible, under these circumstances, to be ready with credible emergency response plans, training, and equipment for the proposed shipments to Yucca Mountain. _____

Specific comments

✓ In the Draft EIS, the DOE proposes to construct, operate, monitor, and close a geologic repository for the disposal of irradiated nuclear fuel and high-level nuclear waste in Yucca Mountain, Nevada. The draft contains an analysis of national transportation routes from 72 commercial nuclear reactor sites and 5 DOE waste sites in 35 states. Also, DOE states it is uncertain about when final transportation decisions will be made. Moreover, DOE states that information in the draft contains the information necessary to make decisions on rail or truck transport and alternative transport corridors.

Repository Design

- 2 The ultimate design for the repository is a moving target. It is subject to change and outside of this EIS process. [The DEIS does not fully describe the Proposed Action, as required by NEPA, and identifies no preferred alternative. Therefore, this DEIS cannot form the basis for a rational examination of the impact of the proposed project on Yucca Mountain, Nevada, or the nation. _____] Instead, DOE claims to have “bounded” the potential impacts by analyzing a range of design alternatives. Three alternative load designs, each with its own performance characteristics, environmental impacts, and public health effects are compared.

Transport Routes

- 3 [The DEIS does not identify or analyze public health impacts along existing transport routes. DOE could have based its analysis of transport hazards using available information. For example, a study done by the Nevada Agency for Nuclear Projects was completed in 1995 which quantified the number of shipments to Yucca Mountain from nuclear reactor operations: _____] 821 waste shipments via rail through North Carolina; 917 waste shipments via rail through South Carolina; 480 waste shipments via rail through Virginia; 3,866 waste shipments via rail and highway through Tennessee; and 2,650 waste shipments via rail and highway through Georgia. A generic analysis which avoids specific transport route conditions, impacts, and hazards is not acceptable. _____] ✓

Environmental justice

- 4 [The DEIS finding regarding environmental justice is without basis. For example, analyses along specific transportation routes were not carried out. The DOE states that it believes there would be no disproportionately high and adverse impacts to minority or low-income populations as a result of the Proposed Action, including national transportation. But the generic nature of the national transportation analysis does not support of DOE's finding. _____] ✓
- 5 [The DEIS includes a perspective from Native Americans in Nevada, but provides no response to the Nevada Native Americans' opposition. _____] 6 [The Proposed Action includes a permanent

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withdrawal of 230 square miles of federal land, including the Yucca Mountain site and a large surrounding area. The southern boundary of the withdrawal area, adjacent to the nearest population, would be approximately 12 miles from the location of the waste emplacement area. This land area does not assure long-term safety of the repository because it represents an institutional control that cannot be relied upon to protect the waste after permanent repository closure. At some point in the future, this control will no longer exist. |

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✓ | The DOE does not address the Treaty of Ruby Valley and the legitimate claims to Yucca Mountain by the Paiute Shoshone. The historical record reveals an illegal federal land grab based upon transit privileges which were unilaterally extended to occupation and ultimate military takeover. On this basis alone, the Yucca Mountain repository project should be abandoned and native rights under the Treaty of 1863 restored. |

No Action Alternative

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| This alternative as outlined by the DEIS is not a viable alternative and is, therefore, not reasonable. NEPA requires that No Action Alternatives be compared with other alternatives. For example, Scenario One assumes irradiated fuel would remain at 77 sites under institutional control for 10,000 years. Scenario Two assumes waste would remain at 77 sites forever, but under institutional control for only 100 years. But DOE states that neither of these scenarios is likely. A comparison of possible and impossible alternatives is like comparing apples to oranges. |

Respectfully submitted,



Louis Zeller

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